

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

*

v.

*

Criminal No. RDB-22-0097

BENJAMIN LAWTON

*

* * * * *

MOTION TO SUPPRESS TANGIBLE AND DERIVATIVE EVIDENCE

The defendant, Benjamin Lawton, through his attorney, Paul D. Hazlehurst, Esquire, hereby moves this Honorable Court, pursuant to Federal Rule of Criminal Procedure 12(b)(3), to suppress evidence obtained in searches of the following locations and any other locations or objects not set forth by the government in discovery:

- 416 Woodlake Court, Apartment A, Glen Burnie, Maryland 21061
- 2014 Mercedes C250 – VIN WDDGJ4HB1EG191733, Maryland tag 6DF4483
- LG cellular phone with crack on bottom left side of screen and multicolored back case with “LG” logo displayed which was seized from Benjamin Lawton by law enforcement authorities on September 8, 2021
- Apple Iphone cellular phone with gold-colored trim and gold/tan back case with Apple logo displayed which was seized from Benjamin Lawton by law enforcement authorities on September 8, 2021
- Any locked storage box or safe located at 416 Woodlake Court, Apartment A, Glen Burnie, Maryland 21061

As grounds therefore the defendant states as follows:

1. Mr. Lawton is currently charged in a seven-count indictment in the above-captioned case with Sex Trafficking by Force, Fraud and Coercion in violation of 18 U.S.C. § 1591(a) (Counts , 2 and 3), Interstate Transportation for Prostitution in violation of 18 U.S.C. § 2421 (Counts 4 and 5) and Enticement to Travel for Purposes of Prostitution in violation of 18 U.S.C. § 2422(a) (Counts 6 and 7).

2. Discovery furnished by the government indicates that searches were conducted by law

enforcement authorities of the items and locations set forth above on or about September 8, 2021 pursuant to a search warrant issued by a judge of the Circuit Court for Anne Arundel County for the locations and items set forth above.

3. Other searches and seizures may have been carried out by law enforcement agents not limited to the date, locations and items set forth above.

4. Any warrantless search was not supported by probable cause or exigent circumstances or any other exception excusing the need for a warrant.

5. Where warrants were received prior to the searches, the warrants were invalid on their face.

6. The affidavits in support of the warrants contained false information and/or information in reckless disregard of the truth, therefore a hearing in regard to this matter is required under *Franks v. Delaware*, 438 U.S. 154 (1978).

7. The affidavits in support of the search warrants contained insufficient information from which the reviewing judge could determine probable cause to search the specified locations or any nexus with the alleged criminal conduct. *United States v. Anderson*, 851 F.2d 727, 729 (4th Cir. 1990).

WHEREFORE, the defendant respectfully moves this Honorable Court to suppress any tangible or derivative evidence unlawfully seized from the locations set forth above.

Respectfully submitted,

/s/

Paul D. Hazlehurst
Bar No: 08156
11350 McCormick Road, Suite 705
Hunt Valley, Maryland 21031
(410) 773-9610
Paul@lawpdh.com

MEMORANDUM OF POINTS AND AUTHORITIES

1. Fourth Amendment to the United States Constitution
2. *Franks v. Delaware*, 438 U.S. 154 (1978).
3. *Wong Sun v. United States*, 371 U.S. 471 (1963)
4. *United States v. Anderson*, 851 F.2d 727, 729 (4th Cir. 1990)

/s/
Paul D. Hazlehurst

REQUEST FOR HEARING

Pursuant to Rule 105.6 of the Local Rules of Criminal Procedure for the District of Maryland, a hearing is requested on the defendant's motion.

/s/
Paul D. Hazlehurst, Esquire

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of August 2022 a copy of the foregoing motion was delivered via ECF/CM to all counsel of record.

/s/
Paul D. Hazlehurst, Esquire